

REMARKS

Status of the Claims

- Claims 1-15 are pending in the Application after entry of this amendment.
- Claims 1-15 stand rejected.
- Claims 1, 6, 10-11, and 13-14 are currently amended by Applicant.

Specification Amendments

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant submits that the existence of a hyperlink is unintentional. Applicant has amended paragraph [0020] of the specification to refer to the web address of the W3C standards website in a manner that he believes will not cause most word processors to create a hyperlink where none is intended. Applicant submits that the amendment overcomes the objection.

Paragraph [0040] is amended to include the assigned serial number and filing date of the reference. Applicant submits that no new subject matter has been added as a result of the amendments.

Claim Rejections Pursuant to 35 U.S.C. §101

Claim 9 is objected to because the claim is deemed to be directed to non-statutory subject matter. Applicant has cancelled the claim without prejudice or disclaimer.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1-2, 5-7, 9, 10-12, and 14-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Ser. No. 6,882,995 to Nasr. Applicant respectfully traverses the rejection.

Nasr discloses a computer-implemented method of retrieving information in a first markup language through a query engine and presenting the information in any required markup language (Abstract). Also, in the method of Nasr, "... the query is compiled from its source format into a sequence of instructions for the query engine. The compiled query is

assigned tags and attributes. The database is then searched node by node for the corresponding tags and attributes. A predicate check using the binary coding of the node as well as ancestor and descendant information confirms the node. The leaf information associated with a confirmed node is then stored. If necessary, the action from the transformative sequence is applied to change the markup language of the leaf information to that of the user.” (col. 2 lines 5-15).

Amended Claim 1 recites:

1. In a system for construction of executable queries, a method of communicating with an application, comprising:

the system receiving from the application, one or more calls to set one or more compile parameters and commands for converting a plurality of input queries to an XML intermediate language representation, wherein the XML intermediate language representation is a composite of the plurality of input queries; and

the system receiving from the application, one or more calls to convert the XML intermediate language representation to at least one executable query, the at least one executable query enabling the system to query over a plurality of data sources having differing data models.

Applicant finds support for the amendment in paragraphs 0017 and 0040 of the as-filed specification. Applicant submits that Nasr fails to disclose an intermediate language representation that is a composite of the plurality of input queries that also queries over a plurality of data sources having different models as recited in amended Claim 1.

MPEP §2131 indicates that to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. Nasr does not teach an intermediate language representation that is a composite of the plurality of input queries that also queries over a plurality of data sources having different models. Applicant has also amended independent Claim 10 to include a composite intermediate language representation and querying over a plurality of data sources. Since Nasr fails to teach all elements of independent Claims 1 and 10, then Nasr cannot anticipate those claims and their respective dependent claims. Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection and reconsideration of Claims 1-2, 5-7, 9, 10-12, and 14-15 because they patentably define over the cited art.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Ser. No. 6,882,995 to Nasr in view of U.S. Pat. Ser. No. 6,961,728 to Wynblatt et al.. Applicant respectfully traverses the rejection.

As discussed above with respect to Claim 1, Applicant submits that Nasr fails to teach an intermediate language representation that is a composite of the plurality of input queries that also queries over a plurality of data sources having different models as recited in amended Claim 1.

Wynblatt et al. discloses "... a program, running on a device logically connected to a network that also logically connects the networked data sources, to issue a traditional database query onto the network and to receive back from the network the result of that query as it applies to the data produced by those data sources." (col. 1 lines 62-67).

Applicant submits that Wynblatt et al. also fails to teach an intermediate language representation that is a composite of the plurality of input queries that also queries over a plurality of data sources having different models as recited in amended Claim 1.

Since both Nasr and Wynblatt et al. fail to teach all of the elements of independent Claim 1, then Nasr and Wynblatt et al. cannot render obvious dependent Claims 3 and 4 because all elements of independent Claim 1, upon which dependent Claims 3 and 4 depend, are not taught or suggested by the combination of references.

Accordingly, Applicant submits amended Claim 1 and dependent Claims 3-4 patentably define over the cited art. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of Claims 3-4 as these claims patentably define over the cited art.

Claims 8 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. Ser. No. 6,882,995 to Nasr in view of U.S. Pat. Ser. No. 6,882,995 to Kiernan et al.. Applicant respectfully traverses the rejection.

As discussed above with respect to Claim 1, Applicant submits that Nasr fails to teach an intermediate language representation that is a composite of the plurality of input queries

that also queries over a plurality of data sources having different models as recited in amended Claim 1.

Kiernan et al. teaches a method for publishing relational data as XML by translating XML queries into queries against a relational database. Conversion of the relational database into an XML database is not required. Each relational table is mapped to a virtual XML document, and XML queries are issued over these virtual documents. An XML query is parsed and transformed into a language-neutral intermediate representation, which is a sequence of operations describing how the output document is derived from the underlying relational tables. The intermediate representation is then translated into an SQL query over the underlying relational tables. The intermediate representation is also used to generate a tagger graph, which the tagger runtime 'walks' to generate the tagged, structured XML output. Each of the nodes of the tagger graph are operators which perform processing on the results of the SQL query. The SQL query is executed, and the SQL query results are then provided to the tagger. The tagger runtime applies the operators of each node to the inputs at that node to produce the structured XML document as a query result, guided by the structure of the tagger graph. (Abstract).

Applicant submits that Kiernan et al. also fails to teach an intermediate language representation that is a composite of the plurality of input queries that also queries over a plurality of data sources having different models as recited in amended Claim 1.

Since both Nasr and Kiernan et al. fail to teach all of the elements of independent Claim 1, then Nasr and Wynblatt et al. cannot render obvious dependent Claims 8 and 13 because all elements of independent Claim 1, upon which dependent Claims 8 and 13 depend, are not taught or suggested by the combination of references.

Accordingly, Applicant submits amended Claim 1 and dependent Claims 8 and 13 patentably define over the cited art. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of Claims 8 and 13 as these claims patentably define over the cited art.

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Other Amendments

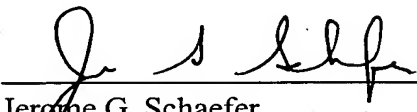
Claim 6 is amended to further claim that which applicant considers his invention and not to overcome any reference. Claims 11, 13-14 are amended to comport with amended Claim 10.

Conclusion

In view of the above remarks and amendments, Applicant respectfully requests withdrawal of the rejections and requests reconsideration of all pending claims.

Respectfully submitted,

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